

**Planning Committee:** 12 July 2005

**Item Number:** 18

**Application No:** W 05 / 0826

**Registration Date:** 17/05/2005

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 12/07/2005

**Case Officer:** Alan Coleman

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**55 Kingsway, Leamington Spa, CV31 3LG**

First floor side extension; ground and two storey rear extension and creation of vehicular and access crossing to 3 no. self-contained flats FOR Mr & Mrs Uppal

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This application is reported to Committee in view of the objection of the Town Council and receipt of eight neighbour objections.

**SUMMARY OF REPRESENTATIONS**

**Town Council:** *"(1) The proposal represents a scale of development which would over-dominate the immediate neighbourhood. (2) The proposal through use of amenity space will result in a loss of residential amenity space to the detriment of future occupiers."*

**Highway Authority:** No objection, subject to conditions on access arrangements.

**Neighbours:** 8 letters of objection on grounds of harm to the character of the area comprising single family dwellings; loss of sunlight and privacy from the size, scale, height, mass and proximity of the proposed extensions to neighbouring windows and gardens; inadequate on-site car parking leading to roadside parking to the detriment of highway/pedestrian safety; noise and disturbance from the intensification in the residential use of the property and unfettered movement of an increased number of vehicles; fire risk and safety of future/neighbouring residents, and; structural damage to adjoining property.

**RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H15 - Conversion of Existing Residential Property (Warwick District Local Plan 1995)

(DW) IMP2 - Meeting the Needs of People with Disabilities (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
The 45 Degree Guideline (Supplementary Planning Guidance)

## **PLANNING HISTORY**

There is no planning history of relevance to this proposal.

## **KEY ISSUES**

### **The Site and its Location**

The premises comprise one of a pair of linked semi-detached houses situated on the southern side of Kingsway within an established residential area containing a mix of semi-detached houses of broadly similar size and design laid out on a common building line along the alignment of the road. A community centre with a development of flats at Philip Court is located on the opposite side of the road adjacent to the junction with Edinburgh Crescent. The front curtilage of the site has a depth of some 16 metres and is currently laid out as a grassed lawn enclosed by a privet hedge with a footpath alongside the western boundary with 57 Kingsway. The main body of the dwelling is set in from the side boundary with No. 57 by some 3 metres providing an overall separation distance of some 5.7 metres between the side elevations.

There is no vehicular access to the site from Kingsway and roadside parking is unrestricted, other than by dropped kerb crossings that been formed to serve off-road parking spaces in some of the front gardens of neighbouring properties. There is a lamppost directly outside the property in the grass verge that runs along both sides of the road.

The adjoining garage serving the neighbouring dwelling at 57 Kingsway has been converted into a lounge and has been extended by the addition of a conservatory structure that has a clear perspex roof and wall adjacent to the site boundary. The neighbouring dwelling at No. 53 has a single storey rear extension that also extends up to the boundary of the site.

### **Details of the Development**

The proposal is to erect two-storey side and rear extensions originally proposed the conversion of the dwelling to 4 no. self-contained flats, which would be served by 4 no. parking spaces in the front garden with access from Kingsway. This would entail the loss of the existing boundary hedge.

The scheme has now been amended to comply with the 45° Code when measured from the ground floor lounge window of 57 Kingsway and first floor bedroom window of 53 Kingsway . As a consequence, the number of flats proposed has been reduced to 3.

## **Assessment**

The property is located within an established residential area that comprises mainly 2-storey linked/semi-detached family dwellings. Some of these are let to provide student accommodation, including the neighbouring property at 57 Kingsway. There is also a purpose built development of flats at Philip Court nearby. Policy (DW) H15 of the Local Plan supports the conversion of existing residential property into smaller dwelling units, such as flats, subject to certain criteria being met, namely: that the building should be capable of conversion without significant adaption of the fabric of the building or change to its setting; no adverse impact upon the character and amenity of the surrounding area would result, and; a satisfactory amount of garden land would be retained. There is no similar policy in the emerging local plan.

Whilst I appreciate local residents' concerns regarding the impact of the development on the character of the area, nevertheless the property would retain its residential use following the proposed conversion and, in my opinion, would be acceptable in principle.

With regard to the nature and extent of the proposed extensions, I consider these would be domestic in scale and, as amended, would be acceptable in terms of design and appearance. In accordance with established practice, a separation distance of 1 metre would be retained between the side elevation of the proposed side extension and the boundary with No. 57 and it would be subservient to the main body of the original dwelling. The development would also satisfy adopted Supplementary Planning Guidance in relation to 'The 45 Guideline' when measured from the nearest ground and first floor habitable windows in the rear elevations of No's. 53 and 57 Kingsway.

A garden area in excess of some 100 sq. metres would also be retained, which I consider would be sufficient to serve the development. The provision of 3 no. flats will inevitably increase the amount of activity on the site but any noise would, in my opinion, be domestic in nature and I do not consider it would be unacceptable. With regard to potential noise and disturbance arising from the density and layout of the proposed flats in relation to the neighbouring dwelling, I consider that the provision of adequate sound attenuation measures would be sufficient to ameliorate any adverse impact.

I appreciate residents' concerns regarding the proposals parking and traffic impacts. However, in terms of access and car parking, I am satisfied that the number and layout of the proposed spaces is acceptable. The lack of objection from the Highway Authority reinforces my view on this issue.

## **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

## **RECOMMENDATION**

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 1616/1/C, and specification contained therein, submitted on 29 June 2005 unless first agreed otherwise in writing by the District Planning Authority.  
**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise between the proposed flats and between the proposed flats and neighbouring dwelling at 53 Kingsway have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.  
**REASON** : In the interests of the amenities of neighbouring residents and future occupiers of the building.
- 5 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment to the front and rear of the property have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.  
**REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 No lighting shall be fixed to the external walls or roof of the building hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority.  
**REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.  
**REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 8 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.

**REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 9 The development hereby permitted shall not be occupied until a vehicular access for cars has been provided to the site not less than 5.0 metres or greater than 5.5 metres in width, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 10 The vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch within the limits of the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 11 The access to the site for cars shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification to the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 12 The development hereby permitted shall not be brought into use until all parts of existing access within the public highway not included in the proposed means of access, has been permanently closed and the kerb, footway and verge have been reinstated in accordance with the standard specification to the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 13 The development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 14 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

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